

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Honolulu, Hawaii 96813

July 11, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation,
Airports Division, for a Remote Noise Monitoring Station Purposes at the
Wailoa River State Recreation Area, South Hilo, Hawaii
Tax Map Key: 3rd/2-2-13:03

APPLICANT:

DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION
400 Rodgers Boulevard, Suite 700
Honolulu, Hawaii 96819-1880

LEGAL REFERENCE:

Section 171-11, Section 171-13, Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of the lands of Waiakea, South Hilo, Hawaii, Land Office Deed No. 24599 from
the Hawaii Redevelopment Agency (Kaiko'o Project). (Exhibit B)

AREA:

10.0' x 10.0', more or less. Survey to be conducted by the Applicant, same subject to
review and verification by the Survey Division, Department of Accounting and General
Services.

ZONING:

State Land Use District:	<u>Urban</u>
County of Hawaii CZO:	<u>Open</u>

TRUST LAND STATUS:

Section 5(X) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES __ NO X

CURRENT USE STATUS:

Encumbered under Governor's Executive Order No. 2921 to the Department of Land and Natural Resources, Division of State Parks for State Park Purposes.

CHARACTER OF USE:

For Remote Noise Monitoring Station Purposes. Right, privilege and authority to construct, use, maintain, repair, replace and remove one (1) Remote Noise Monitoring Station over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

ANNUAL RENT:

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343-ENVIRONMENTAL IMPACT STATEMENTS:

The Applicant is responsible for compliance with Chapter 343, Hawaii Revised Statutes, as amended, Environmental Impact Statements. Construction will not be allowed until proof of compliance is submitted.

DCCA VERIFICATION:

Not applicable. The Applicant is a State department.

APPLICANT REQUIREMENTS:

The Applicant shall be required to:

- 1) Pay for an appraisal to determine one time payment and pay the consideration;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Department of Transportation, Airports Division (DOTA), has requested permission to install, operate and maintain a Remove Noise Monitoring Station (RNMS) as part of a Noise Monitoring System for Hilo International Airport (Exhibit A). The RNMS shall consist of a digital microphone on a 20 foot tall, square aluminum folding mast with a small electronic enclosure with electrical and telephone service to store and transmit data.

The draft submittal was sent to various government agencies for their review and comment. Their responses are as follows:

- County of Hawaii, Planning Department (Exhibit C)
“...the applicant (DOT-A) is required to submit an SMA Assessment Application to the Planning Department for review against the SMA rules.”
- State of Hawaii, Department of Health (Exhibit D)
The Department of Health identified four (4) areas of concern, which may be impacted by the project:
 1. Federal Water Pollution Control Act (commonly known as the ‘Clean Water Act’);
 2. National Pollutant Discharge Elimination System (NPDES);
 3. Notification of any Notice of Intent or filing of an application for an NPDES permit shall be provided to the State Historic Preservation Division; and
 4. Compliance with the applicable State Water Quality Standards.

The County of Hawaii, Departments of Environmental Management and Public Works, State of Hawaii, Departments of Accounting and General Services and Hawaiian Home Lands had no comments on the project.

A copy of the submittal was sent to the Office of Hawaiian Affairs. Their comments of June 2, 2008 (Exhibit E) are as follows:

1. “We also echo the Department of Health’s concerns for potential impacts to necessary permits or reviews in order to comply with any applicable federal and state water quality standards.”; and
2. “we seek assurances that the applicant will stop work and contact the State Historic Preservation Division should iwi kūpuna or cultural artifacts be uncovered.”

RECOMMENDATIONS:

THAT THE BOARD:

- A. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual easement to the Department of Transportation, Airports Division (DOTA) covering the subject area for one (1) Remote Noise Monitoring Station (RNMS) purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 1. Approval of the Governor;
 2. All improvements shall be done by the DOTA at no cost or expense to the Division of State Parks;
 3. The DOTA shall maintain and repair the RNMS that is constructed and/or erected thereon at no cost or expense to the Division of State;
 4. The DOTA shall submit construction plans for approval by the Chairperson prior to the commencement of any work activity;
 5. The DOTA shall be responsible for their own utility charges (telephone service, electrical service, etc.);

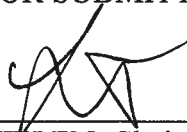
6. All utility service lines (telephone, electric, etc.) shall be underground utilizing best management practices of the respective utility industry;
 7. The standard terms and conditions of the most current perpetual easement document form, together with the specific conditions cited herein;
 8. Such other terms and conditions that may be prescribed by the Chairperson.
- B. Grant the DOTA the authority to file the required Special Management Area (SMA) Use Permit Application for the construction of the one (1) Remote Noise Monitoring Station.

Respectfully Submitted,



Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION

AIRPORTS DIVISION
400 Rodgers Boulevard, Suite 700
Honolulu, Hawaii 96819-1880

2008 JAN 17 P 2:33

DIV OF STATE PARKS
HILO, HI

BRENNON T. MORIOKA
ACTING DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

AIR-EP
08.0005

January 9, 2008

TO: GLENN Y. TAGUCHI, DISTRICT PARKS SUPERINTENDENT
DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: 
BRIAN H. SEKIGUCHI
DEPUTY DIRECTOR - AIRPORTS

SUBJECT: NOISE MONITORING SYSTEM
HILO INTERNATIONAL AIRPORT
STATE PROJECT NO. AH1071-15

We have received your letter dated December 26, 2007, responding to our request to install a Remote Noise Monitoring Station (RNMS) at Wailoa River State Recreation Area (Park) and acknowledge your reservations regarding the aesthetics of the RNMS. We have revised our location plan and request your permission to install the RNMS adjacent to the parking lot rather than in the park. The current proposed location is approximately 250 feet southeast of the Center's building, on the mauka side of the parking lot and set back from the pavement somewhat farther than existing light standards. The new site is adjacent to a pad-mounted transformer and light pole and is shown on the attached photo titled "Wailoa 1". Photos from the site looking towards the Center and facing the site looking towards the State Office Building are also attached as "Wailoa 2" and "Wailoa 3", respectively.

The RNMS consists of a digital microphone on a 20 feet tall, square aluminum tube, folding mast, not substantially different in height or visual impact from the aluminum light poles located throughout the park, along walkways and the parking lot. There will be a small electronics enclosure on the lower portion of the mast with connection to electrical and telephone service to store and transmit data. The mast will be mounted on a three-foot tall cylindrical concrete bollard to mitigate potential vehicle impact damage. This proposed location in the parking lot should not visually detract from the aesthetic appearance of the park.

Thank you for your attention in this matter. Your prompt reply will be greatly appreciated since we are in the final stages of the project. Please have your staff contact Ms. Lynette Kawaoka, Planner, at (808) 838-8818, if you need further information.

Attachments: Photos (3)

c: Wailoa Arts and Cultural Center (Ms. Codie King)

EXHIBIT A



**HILO INTERNATIONAL AIRPORT NOISE MONITORING SYSTEM
HILO INTERNATIONAL AIRPORT, ISLAND OF HAWAII
STATE PROJECT NO. AH1071-15**

**WAILOA 1 – PROPOSED SITE OF REMOTE NOISE MONITORING STATION
IN PARKING LOT AREA NEAR TRANSFORMER AND LIGHT POLE**

Harry Kim
Mayor



04-0000
Christopher J. Yuen
Director

RECEIVED
Brad Kurokawa, ASLA
LEED® AP
Deputy Director

2008 MAR -5 P 3: 30
County of Hawaii
PLANNING DEPARTMENT
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

DIV OF STATE PARKS
HILO, HI

March 3, 2008

Mr. Glenn Y. Taguchi
State of Hawaii- DLNR
Division of State Parks
P.O. Box 936
Hilo, HI 96721-0936

Dear Mr. Taguchi:

SUBJECT: Special Management Area (SMA) Consultation
**PROJECT: Grant of Perpetual, Non-Exclusive Easement to the HDOT Airports
Division for a Remote Noise Monitoring Station at the Wailoa River
State Recreation Area**
Tax Map Key: (3) 2-2-13:03

This is in response to your letter dated February 1, 2008, in which you requested to know whether the subject properties are within the County of Hawaii Special Management Area (SMA), and what permitting requirements, if any, would apply to the proposed project.

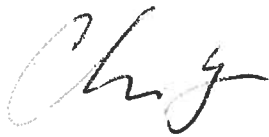
In the first paragraph of the memo from HDOT to DLNR, the proposed location for the noise monitoring station is described as being 250 southeast of the Wailoa Center building on the mauka side of the parking lot and setback from the pavement. In addition, the map provided with the transmittal indicates the station will be located just mauka of the Center's parking lot. Based upon this information it appears that the proposed station location will be on a different parcel, TMK 2-2-13:18. Please verify which parcel the proposed monitoring station will be located on. Enclosed for your use is a map showing TMK 2-2-13:18.

Both parcels are located entirely within the SMA, and therefore the applicant is required to submit an SMA Assessment Application to the Planning Department for review against the SMA rules.

Mr. Glenn Y. Taguchi
State of Hawaii- DLNR
Division of State Parks
Page 2
March 3, 2008

Should you have questions, contact Maija Cottle of my staff at 961-8288 extension 253.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chy', written over a light gray circular background.

CHRISTOPHER J. YUEN
Planning Director

MJC:cs

P:\wpwin60\Maija\DLNR\HDOT Wailoa 2-2-13-3.doc

Enclosure: Map of TMK 2-2-13:18

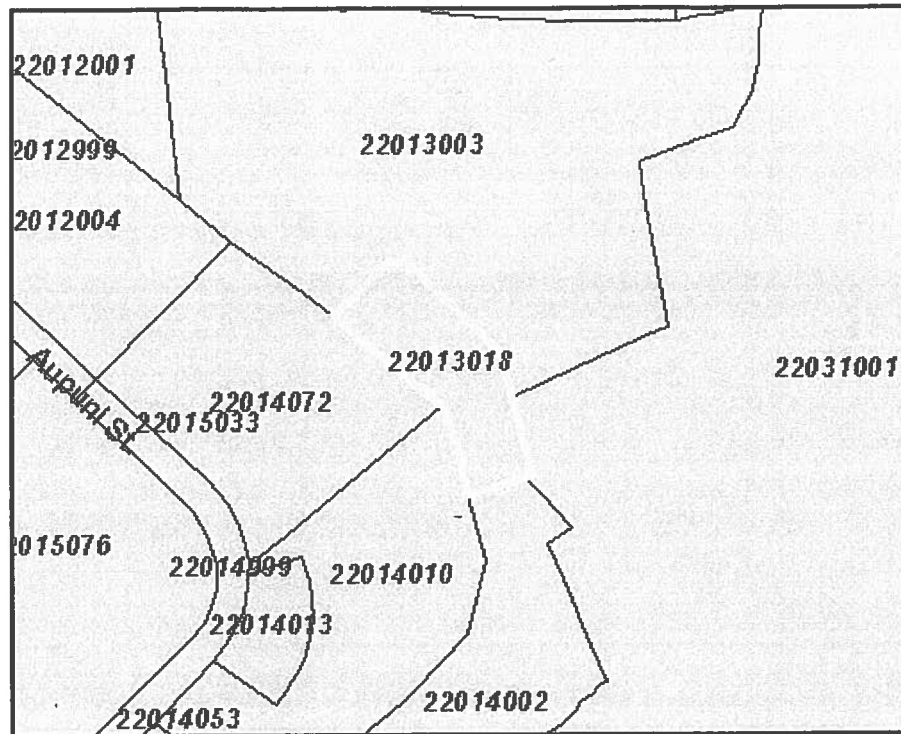
xc: Long-Range Planning Division

HAWAII COUNTY
REAL PROPERTY
TAX OFFICE

22013018

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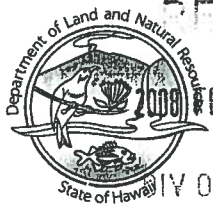
n/a



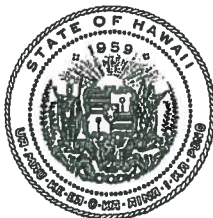
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LINDA LINGLE
GOVERNOR OF HAWAII



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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 936
HILO, HAWAII 96721-0936

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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FEB 15 2008

February 1, 2008

TO: State Agencies:
____ DAGS
____ DHHL
____ DLNR – Historic Preservation
____ DLNR – OCCL
____ DLNR – State Parks Resource Mngmnt
____ DLNR – State Parks Interpretive
____ DLNR – State Parks Planning
✓ DOH

County Agencies:
____ Environmental Management
____ Planning
____ Public Works

FROM: Glenn Y. Taguchi
Hawaii Parks District Supt.

SUBJECT: Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation, Airports Division, for a Remote Noise Monitoring Station Purposes at the Wailoa River State Recreation Area

LOCATION: Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-2-13:03

APPLICANT: Department of Transportation, Airports Division

Transmitted for your review and comment is a copy of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by March 4, 2008. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Glenn Y. Taguchi at (808) 974-6206. Thank you.

Attachments

- () We have no objections.
() We have no comments.
(✓) Comments are attached.

Signed: Newton Inoué
Date: _____

c: SP Administration

EXHIBIT D

Newton Inoué - 933-0917

Taguchi



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: February 15, 2008

TO: Glenn Y. Taguchi
DLNR Hawaii Parks District Supt.

FROM: Newton Inouye *NI*
Acting District Environmental Health Program Chief

SUBJECT: Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation,
Airports Division, for a Remote Noise Monitoring
Station Purposes at the Wailoa River State Recreation Area

LOCATON: Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-2-13:03

APPLICANT: Department of Transportation, Airports Division

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on February 15, 2008. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...". The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2, and Hawaii Administrative Rules (HAR), Chapter 11-54.

2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
 - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/individual-index.html>.
 - b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/general-index.html>.
 - i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities. [HAR, Chapter 11-55, Appendix C]
 - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
 - v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]

- vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
 - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
 - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
 - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
 - xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
2. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
3. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

PHONE (808) 594-1888

FAX (808) 594-1865



2008 JUN -9 P 4: 13

DIV OF STATE PARKS
HILO, HI

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/3701

June 2, 2008

Glenn Taguchi
Department of Land and Natural Resources
Division of State Parks
PO Box 936
Hilo, Hawai'i 96721-0936

RE: Request for comments on the proposed grant of perpetual easement to the Department of Transportation Airports Division for a remote noise monitoring station, Wailoa River Recreation Area, Hilo, TMK: 12-2-13:003.

Aloha e Glenn Taguchi,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated May 20, 2008. OHA has reviewed the project and offers the following comments.

OHA appreciates that the applicant has taken aesthetic concerns into consideration as indicated in the submittal in exhibit A. We also echo the Department of Health's concerns for potential impacts to water quality that may result from this proposed project and we rely on the applicant to obtain any necessary permits or reviews in order to comply with any applicable federal and state water quality standards.

Additionally, we seek assurances that the applicant will stop work and contact the State Historic Preservation Division should iwi kūpuna or cultural artifacts be uncovered.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Administrator

C: OHA Hilo CRC Office

EXHIBIT E

7/6/08